



2007 JUN 11 PM 4:07

REF/REF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/082,326 Confirmation No. 3456
Applicant : I. URATANI et al
Filed : February 26, 2002
Title : STORAGE SYSTEM
TC/AU : 2141
Examiner : K. D. Shingles
Docket No. : NIT-332
Customer No.: 24956

Director of the U.S. Patent and Trademark Office
Mail Stop 16
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

Applicants request a refund in the above-identified application due to an error on the part of the Applicants.

On June 20, 2006, Applicants filed an Amendment along with Form PTO-1083 transmittal letter. Applicants incorrectly checked and filled in the Credit Card Payment Form line, charging \$790.00 for an RCE to our credit card (copy attached). However, no RCE was filed with the June 20, 2006 Amendment, and therefore, no credit card payment form was attached. Neither the first page of the Amendment nor the dated-stamped mailroom receipt (copies attached) indicate that there was an accompanying RCE.

Appl. No. 10/082,326
Request for Refund dated January 10, 2007

NIT-332

A copy of the December 1, 2006 Notice of Improper Request for Continued Examination (RCE) (copy attached) indicates that the application was not eligible for the filing of an RCE as final Office Action had not yet been granted.

The Applicants' representatives Monthly Statement of Account for June 2006 (copy enclosed) indicates that \$790.00 was charged to our account on June 22, 2006, for the filing of a RCE even though none was filed.

Please credit a refund in the amount of \$790.00 to the Deposit Account No. 50-1417.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

By Colin D. Barnitz
Colin D. Barnitz
Reg. No. 35,061
(703) 684-1120

In RE application of I. URATANI et al.

Serial No.: 10/082,326

For: STORAGE SYSTEM



Pater.

Case Docket No. NIT-332

Group Art Unit: 2141

Examiner: K. Shingles

Assistant Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

Small entity of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)
	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra
Total	* 15	Minus	** 20 = 0
Indep.	** 3	Minus	*** 3 = 0

First presentation of Multiple Dependent Claims

SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
Rate	Additional Fee		Rate	Additional Fee
X 25	\$		X 50	\$
X 100	\$		X 200	\$
X 180	\$		X 360	\$
Total	\$		Total	\$0

If the entry in Col. 1 is less than the entry in Col. 2, write "0" in col. 3.
 If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from
 the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

Please charge my Deposit Account No. 50-1417 in the amount of \$ _____

A Credit Card Payment Form in the amount of \$790.00 _____ is attached (for a request for **INCORRECT.
NOT FILED**)

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayments to Deposit Account No. 50-1417.

Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

Any patent application processing fees under 37 CFR 1.17.

Any Extension of Time fees that are necessary, which are hereby requested if necessary.

Mattingly, Stanger, Malur & Brundidge, P.C.
 1800 Diagonal Road, Suite 370
 Alexandria, Virginia 22312
 Tel: (703) 684-1120
 Fax: (703) 684-1157

By:

Colin D. Barnitz
 Colin D. Barnitz, Reg. No. 35,061
 Attorney for Applicant(s)

Date: June 20, 2006



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/082,326 Confirmation No. 3456
Applicant : I. URATANI et al
Filed : February 26, 2002
Title : STORAGE SYSTEM
TC/AU : 2141
Examiner : K. D. Shingles
Docket No. : NIT-332
Customer No.: 24956

MAIL STOP: AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action of March 20, 2006, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper; and

Remarks begin on page 9 of this paper.

Mattingly, Stanger, Malur & Brundidge, P.C.
1800 Diagonal Road, Suite 370
Alexandria, Virginia 22314
(703) 684-1120

NIT-332

June 20, 2006

In re Patent Application of

I. URATANI et al.

Serial No. 10/082,326

GAU: 2141

Filed: February 26, 2002

Examiner: K. D. Shingles

For: STORAGE SYSTEM

Papers Filed Herewith:

Amendment Transmittal, Amendment

Receipt is hereby acknowledged of the papers filed, as
identified in connection with the above-identified patent
application.



COMMISSIONER OF PATENTS AND TRADEMARKS



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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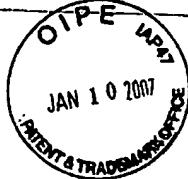
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,326	02/26/2002	Ikuo Uratani	NIT-332	3456
7590	12/01/2006			
Mattingly, Stanger & Malur, P.C. 1800 Diagonal Road, Suite 370 Alexandria, VA 22314			EXAMINER	
			SHINGLES, KRISTIE D	
ART UNIT	PAPER NUMBER			
			2141	
DATE MAILED: 12/01/2006				



Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 06/20/06 is improper for reason(s) indicated below:

- 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this Notice MUST be returned with the reply.

Direct any questions concerning this notice to:

Daryl Forte, Technology Center 2100
(571) 272-3580



United States
Patent and
Trademark Office

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Deposit Account Statement

Requested Statement Month: June 2006
Deposit Account Number: 501417
Name: MATTINGLY STANGER & MALUR, P.C.
Attention:
Address: 1800 DIAGONAL ROAD, SUITE 370
City: ALEXANDRIA
State: VA
Zip: 22314
Country: UNITED STATES

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
06/01	7	11088945	501.35478CX26 1464		\$130.00	\$8,145.00
06/01	8	11088945	501.35478CX26 1801		\$790.00	\$7,355.00
06/06	1	10058110	NGB-102	1201	\$400.00	\$6,955.00
06/06	6	10702482	H-872-03	1806	\$10.00	\$6,945.00
06/08	2039	76501875		7004	\$150.00	\$6,795.00
06/13	190	0160910351	NIT-440	8013	\$25.00	\$6,770.00
06/16	8	10262105	520.42133X00	1251	\$120.00	\$6,650.00
06/19	108	10933393	H-1049-02	1201	-\$86.00	\$6,736.00
06/20	1595	76627119	BAY-ITU-05	7004	\$150.00	\$6,586.00
06/21	3	10755283	500.38928CX1	1251	\$120.00	\$6,466.00
06/22	8	10372981	ASA-1114	1806	-\$180.00	\$6,646.00
06/22	11	10082326	NIT-332	1801	\$790.00	\$5,856.00
06/22	12	10367016	520.42488X00	1501	\$1,400.00	\$4,456.00
06/22	13	10367016	520.42488X00	1504	\$300.00	\$4,156.00
06/27	1	10860326	H&A-131	1251	\$120.00	\$4,036.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$8,275.00	\$4,505.00	\$266.00	\$4,036.00

In RE application of I. URATANI et al.

Serial No.: 10/082,326

JUN 20 2006

For: STORAGE SYSTEM

Assistant Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Additional Fee	Rate	Additional Fee
Total	* 15	Minus	** 20	= 0	X 25	\$	X 50	\$
Indep.	** 3	Minus	*** 3	= 0	X 100	\$	X 200	\$
<input type="checkbox"/> First presentation of Multiple Dependent Claims								
						X 180		X 360
						Total		Total
						\$0		

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in col. 3.
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Mattingly, Stanger, Matur & Brundidge, P.C.
 1800 Diagonal Road, Suite 370
 Alexandria, Virginia 22312
 Tel: (703) 684-1120
 Fax (703) 684-1157

By: 
 Colin D. Barnitz, Reg. No. 35,084
 Attorney for Applicant(s)

Date: June 20, 2006

06/20/2006 HAL111 0000006 501417 10082326

01-FC:1801 790.00 DA

The PTO did not receive the following listed item(s) A credit card form
790.00

Adjustment date: 02/12/2007 SFE/EKE1
 0000006 501417 10082326
 06/22/2006 HAL111 0000006 501417 790.00 CR
 01-FC:1801

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